

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance
with Fed. R. App. P. 32.1

United States Court of Appeals

**For the Seventh Circuit
Chicago, Illinois 60604**

Submitted February 15, 2012*

Decided April 23, 2012

Before

JOEL M. FLAUM, *Circuit Judge*

ANN CLAIRE WILLIAMS, *Circuit Judge*

DIANE S. SYKES, *Circuit Judge*

No. 11-2482

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

SALEM FUAD ALJABRI,
Defendant-Appellant.

Appeal from the United States
District Court for the Northern District
of Illinois, Eastern Division.

No. 06 CR 562

Charles R. Norgle, Sr.
Judge.

ORDER

On March 24, 2007, Salem Fuad Aljabri was convicted of a total of 25 counts of money laundering, wire fraud, and structuring transactions to evade required reporting.

*After examining the briefs and the record, we have concluded that oral argument is unnecessary. Thus, the appeal is submitted on the briefs and the record. *See* FED. R. APP. P. 34(a)(2)(C).

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His sentence included a \$2,400 special assessment. On February 2, 2010, this court issued an opinion vacating the five money-laundering counts and remanding the matter for resentencing on the remainder. *United States v. Aljabri*, 363 F. App'x 403 (7th Cir. 2010). Pursuant to that remand, the district court held a sentencing hearing on June 17, 2011. At the hearing the district court imposed an oral sentence that included a special assessment of \$1,900. However, the written judgment issued by the district court specified an assessment of \$2,400. The oral sentence was the correct one—19 counts remained on remand, and 18 U.S.C. § 3013(a)(2)(A) requires an assessment of \$100 for each conviction. Rather than asking the district court to correct the error via a motion under Rule 36 of the Federal Rules of Criminal Procedure, Aljabri appealed to this court to resolve the discrepancy.

We decline to do so. When a district court has committed a clerical error and we have jurisdiction through a properly filed appeal, we have the power to correct the problem ourselves under Rule 36. *United States v. Bonner*, 522 F.3d 804, 808-09 (7th Cir. 2008). However, we generally prefer to vacate the flawed order and instruct the district court to fix its own mistake. *Id.* We pursue that course here.

The amended judgment is **VACATED**, and the case is **REMANDED** solely for the district court to correct the above-specified clerical error.